

1 BILL NO. S-89-10-8

2 SPECIAL ORDINANCE NO. S- 168-89

3 AN ORDINANCE approving the awarding of
4 Reference #885 by the City of Fort
5 Wayne, Indiana, by and through its
6 Department of Purchasing and DEEDS
7 EQUIPMENT COMPANY, INC. for the Water
8 Maintenance & Service Department.

9 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
10 THE CITY OF FORT WAYNE, INDIANA;

11 SECTION 1. That Reference #885 between the City of
12 Fort Wayne, by and through its Department of Purchasing and
13 DEEDS EQUIPMENT COMPANY, INC. for the Water Maintenance &
14 Service Department, respectfully for:

15 the purchase of hydraulic equipment for
16 the Water Maintenance & Service
17 Department;

18 involving a total cost of Sixty-Five Thousand Seven Hundred
19 Seventy-Five and no/100+/- Dollars (\$65,775.00), all as
20 more particularly set forth in said Reference #885 which is
21 on file in the Office of the Department of Purchasing, and
22 is by reference incorporated herein, made a part hereof, and
23 is hereby in all things ratified, confirmed and approved.

24 SECTION 2. That this Ordinance shall be in full force
25 and effect from and after its passage and any and all
26 necessary approval by the Mayor.

27 APPROVED AS TO FORM
28 AND LEGALITY

29 
30 J. Timothy McCaulay, City Attorney

31

32

REF. NO.: 885
DEPT.: WATER MAINTENANCE
DATE: 10/2/89
ITEM/SERV.: HYDRAULIC EQUIPMENT

PURCHASING INFORMATION

ADVERTISED BID: YES
DATES ADVERTISED: 8/7/89 & 8/14/89
OPENING DATE: 8/31/89
WRITTEN QUOTE:
DUE DATE:
VERBAL QUOTE:
SINGLE SOURCE:
NO. OF VENDORS NOTIFIED: 6
NO. OF VENDORS RECEIVING BID: 3
NO. OF VENDORS RETURNING BID: 1
NO. OF VENDORS DISQUALIFIED: 0
NO. OF VENDORS NOT RESPONDING: 5
DATE SENT TO DEPT FOR RECOMM.: 9/5/89
DATE RECOMMENDATION REC'D IN PURCH: 10/2/89

COUNCIL INFORMATION DATES SENT ADD'L INCREASE
DATE INFO SENT TO LAW DEPT.: 10/2/89
INTRODUCTION DATE: 10/10/89
DISCUSSION DATE: 10/17/89
PASSAGE DATE: 10/24/89

ORDINANCE NO.:

AMOUNT APPROVED AND/OR SPENT
LAST YEAR: (IF APPLICABLE)

REFERENCE NO. 885
WATER MAINTENANCE
HYDRAULIC EQUIPMENT

ITEM	QTY	DEEDS
HYDRAULIC BREAKERS	5	\$6,700.00 \$33,500.00
TAMP PAD TOOLS	5	\$950.00 \$4,750.00
CHISEL TOOLS	5	\$150.00 \$750.00
CONICAL PT TOOLS	5	N/C \$0.00
24" QUICK DISCONNECT	5	\$955.00 \$4,775.00
12" QUICK DISCONNECT	1	\$680.00 \$680.00
HYDRAULIC ATTACH KIT	5	\$2,670.00 \$13,350.00
DISCONNECTS	5	\$1,594.00 \$7,970.00
		\$65,775.00

INVITATION TO BID
DEPARTMENT OF PURCHASING
CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA
ONE MAIN STREET - ROOM 350
219-427-1101

BID OPENING DATE: AUGUST 31, 1989 BID REFERENCE # 885

BIDS SHOULD BE DELIVERED TO DEPARTMENT OF PURCHASING, ROOM 350,
CITY-COUNTY BUILDING UP TO 11:00 A. M. ON OR BEFORE OPENING DATE.

SEALED BIDS WILL BE OPENED PUBLICLY AT 11:01 A.M. IN THE BOARD OF
WORKS AND SAFETY CONFERENCE ROOM ON THE THIRD FLOOR OF THE CITY-
COUNTY BUILDING. "NO LATE BIDS WILL BE ACCEPTED AFTER 11:00 A.M.
FOR ANY REASON WHATSOEVER."

THIS INVITATION FOR BID IS FOR HYDRAULIC EQUIPMENT

AND REQUESTED BY WATER MAINTENANCE & SERVICE

PLEASE RETURN THIS FORM AND/OR ANY OF THE OTHER FORMS AS REQUESTED
ON THE SHEET OF CONTENTS WITH YOUR SEALED BID.

THIS BID REQUIRES A XXXXX 5% BID BOND, CERTIFIED CHECK, OR
CASHIER'S CHECK OF ALL BIDDERS.

THIS BID REQUIRES A 100% PERFORMANCE BOND OF SUCCESSFUL
BIDDER(S).

PROMPT PAYMENT DISCOUNTS WILL BE ALLOWED AS FOLLOWS: %
IF PAID WITHIN DAYS.

THE CITY OF FORT WAYNE IS EXEMPT FROM FEDERAL EXCISE AND INDIANA
STATE SALES TAX. THE CITY'S INDIANA SALES TAX EXEMPTION
CERTIFICATE NUMBER IS 356-001-255-0013. PRICES SHOULD NOT INCLUDE
THESE TAXES.

THE EXECUTION HEREOF BY THE BIDDER IS ACCEPTANCE OF ALL TERMS AND
CONDITIONS HEREIN AND IN THAT REGARD THE BIDDER AGREES TO BE BOUND
BY SAME AND BE BOUND TO THE AMOUNT OF HIS/HER BID FOR A PERIOD OF
NINETY (90) DAYS.

FIRM NAME Deeds Equipment Company, Inc.

STREET ADDRESS 8015 East 45th Street

P. O. Box 26036

CITY Lawrence, Indiana 46226

BY John K. Brennan PHONE 800-841-4028

REPRESENTATIVE SIGNATURE

John K. Brennan, President

SCHEDULE

1. The contractor agrees to furnish at his/her/its own cost all labor, insurance, materials, equipment, and power for the completed delivery of the supplies.

All supplies and deliveries of supplies will be in accordance with: the IFB, this contract and any applicable plans, specifications, and drawings for a TOTAL PRICE of \$ 65,755.00. (If unit prices are applicable, the contractor agrees to perform for those unit prices as set forth in the Schedule of Unit Prices attached hereto.) The supplies shall be delivered as follows:
Delivered to Fort Wayne Water Maintenance & Service Department
approximately 3 to 5 weeks after receipt of order

1/ 2. LIQUIDATED DAMAGES PROVISION. It is hereby agreed by and between the City of Fort Wayne and contractor that time is of the essence of this agreement, and the contractor agrees that it will deliver the supplies as herein called for on or before the time spelled out in the contract. The parties agree that it is a business and governmental necessity that the supplies be delivered by these dates. The parties agree that in the event the supplies are not delivered by these dates, that it will be difficult or impossible to make an accurate determination of the damages that will be incurred by the City of Fort Wayne, and therefore provide for liquidated damages in the sum of \$ per day as a reasonable estimate as to the damages which would be incurred by the City of Fort Wayne. The parties further agree that causes beyond the control of the contractor may delay delivery of supplies. Therefore, the parties agree that delays in the dates for delivery of supplies beyond the control of the contractor shall not result in liquidated damages.

Delays beyond the control of the contractor can include but are not restricted to: Acts of God or of the public enemy, acts of the United States Government, State of Indiana Government and City of Fort Wayne in either its sovereign or contractual capacity, fires, floods, epidemics, guarantee restrictions, strikes, freight embargoes, and unusually severe weather; but, in every case, the failure to perform must be beyond control and without the fault or negligence of the contractor. If the failure to perform is caused

SPECIFICATIONS FOR HYDRAULIC MOUNTED BREAKER

General

Breakers shall have an automatic shut-off cycle.

*Must be Stanley Brand (ONLY) MB250 Series.

Must have at least 6 month warranty. (Parts & Labor)

Breaker must incorporate replaceable tool bushing(s).

Breaker must use surge damping accumulators that are attached to the breaker.

All fasteners must have bolt guards.

Breaker main body must be repairable (sleeved).

All accumulators must be user repairable. Diaphragms must be replaceable.

All accumulators must incorporate a "Gas Safety" Vent Feature that safely releases gas pressure when disassembled.

Bracket (sideplates) attachment must direct all prying loads into lower body/tool.

Breaker must operate at circuit back pressure up to 350 PSI
Blows per minute specification must be attainable at the flow specified below @ 180° F and 1800 PSI.

Tool lubrication must be accomplished using standard automotive grease.

Breakers shall fit the following backhoe models:

- 1) 580C 1980
- 1) 580E 1985
- 2) 580K 1987
- 1) 680H 1985

Breaker Specifications

Energy per blow:	250 lb ft/342 Nm
Blows per minute:	1000
Hydraulic flow:	13 gpm/49 lpm
Hydraulic pressure:	1800 PSI/127 bar
Tool working length:	15 in/38 cm
Overall length (with tool):	52 in/132 cm
Standard width inside bracket:	10.25 in/26 cm
Standard mounting pin diameter:	1½ x 1-3/4" - 3.8 x 4.4 cm
Tool diameter:	2½ in/6.3 cm
Weight (complete):	530 lbs/240 kg

(next page)

*OR A BRAND EQUIVALENT TO STANLEY

SUBSTITUTION FOR INCLUSION AS APPROVED EQUAL SHALL BE OBTAINED BY THE BIDDER PRIOR TO SUBMISSION OF THE BID

SPECIFICATIONS FOR HYDRAULIC MOUNTED BREAKER - continued

Hydraulic Attaching Kit Specifications

Bid price shall include installation of the attaching kit.
Control valve must use electric on/off.

Control valve must incorporate a lever or handle to select the hydraulic flow to the attachment. Must not require flow meter or tools.

Control valve must have the ability to power both mounted or hand held tools. (Tool circuit 8 gpm at 1850 PSI)

Control valve must incorporate a relief valve within its main body.

Attaching kit must utilize quick disconnect couplings and allow easy removal of boom/dipper hoses.

Attaching kit return line circuit must not bypass standard filter/coolant circuit.

Control valve must use steel construction throughout.

Attaching kit must permit simultaneous operation of the attachment and the backhoe.

Kits shall fit the following backhoe models:

- 1) 580C 1980
- 1) 580E 1985
- 2) 580K 1987
- 1) 680H 1985

*Tools shall be Stanley Brand (ONLY)

20" x 14" Tamping Pad Tool(s).

Chisel Tool(s).

Conical Point Tool(s).

Quick Disconnect

*Wain-Roy Type only, rigid quick disconnect for hammer and bucket. Allows backhoe to go from mounted hammer to bucket without having to take out pins. Must be bid with 24" & 12" size trenching bucket. (separately priced)
Quick disconnect kits shall fit the following backhoe models:

- 1) 580C 1980
- 1) 580E 1985
- 2) 580K 1987
- 1) 680H 1985

BID PRICE FOR ALL ITEMS MUST BE - FOB: FORT WAYNE, INDIANA

***OR A BRAND EQUIVALENT TO STANLEY/WAIN-ROY**

SUBSTITUTION FOR INCLUSION AS APPROVED EQUAL SHALL BE OBTAINED BY THE BIDDER PRIOR TO SUBMISSION OF THE BID

PRICE SHEET

QTY	UNIT	DESCRIPTION	UNIT COST	TOTAL
5	EA	HYDRAULIC BREAKERS	\$ 6,700.00	\$ 33,500.00
5	EA	20" X 14" TAMPING PAD TOOL(S)	\$ 950.00	\$ 4,750.00
5	EA	CHISEL TOOL(S)	\$ 150.00	\$ 750.00
5	EA	CONICAL POINT TOOL(S)	\$ N/C	\$ N/C
5	EA	24" QUICK DISCONNECT (WAIN-ROY) (TRENCHING BUCKET)	\$ 955.00	\$ 4,755.00
1	EA	12" QUICK DISCONNECT (WAIN-ROY) (TRENCHING BUCKET)	\$ 680.00	\$ 680.00
5	EA	HYDRAULIC ATTACHING KITS	\$ 2,670.00	\$ 13,350.00
5	EA	WAIN-ROY BRAND, RIGID QUICK DISCONNECTS	\$ 1,594.00	\$ 7,970.00
				TOTAL: \$ 65,755.00

*Stanley Hammer MB250 to meet all of City of Fort Wayne specifications, no exceptions

CERTIFICATION OF BIDDER/VENDOR

The undersigned, on behalf of Deeds Equipment Company, Inc
_____, does hereby make the following representations
to the City of Fort Wayne, Indiana.

WHEREAS, it is acknowledged that the Common Council of the City of Fort Wayne, Indiana, has passed an ordinance condemning the apartheid policies of the country of South Africa:

WHEREAS, Council's ordinance requires that all persons, firms or corporations submitting bids to the City, for goods and services, certify, as part of the bid, that such entity does not support the policies of apartheid in South Africa.

The undersigned states, on behalf of _____
Deeds Equipment Company, Inc., that Deeds Equipment Company, Inc.
does not support or endorse the policy of apartheid in South Africa.

IN WITNESS WHEREOF, this Certification has been signed
this 31st day of August 1989

John K. Brennan
(Name of Bidder/Vendor)

(Name and Title of Person Signing)

BID BOND TO ACCOMPANY MERCHANDISE PROPOSALS

KNOW ALL MEN BY THESE PRESENTS, That DEEDS EQUIPMENT COMPANY INC
8015 E 45TH ST INDPLS IN 46226

as Principal, and FEDERATED MUTUAL INSURANCE COMPANY as Surety, are held and firmly bound unto _____
CITY OF FT WAYNE

1 MAIN ST FT WAYNE IN _____, as Obligee,
in the sum of 5% OF THE BID _____ Dollars,

for the payment whereof Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns,
jointly and severally, firmly by these presents.

The condition of this obligation is such that whereas the Principal has submitted the accompanying bid for the following
articles: HYDRAULIC EQUIPMENT

NOW, THEREFORE, if the bid of the aforesaid Principal shall be accepted by the aforesaid Obligee and the Principal
shall faithfully perform the terms and conditions of the accompanying bid as may be required, then this obligation shall be
null and void; otherwise to remain in full force and effect.

Signed and sealed this 31ST day of AUGUST A. D. 1989

DEEDS EQUIPMENT COMPANY INC

John K. Brennan
JOHN K. BRENNAN, PRESIDENT
Principal

Federated Mutual Insurance Company
Surety

Rebecca Ann Kelm
Attorney-in-fact

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That FEDERATED MUTUAL INSURANCE COMPANY, a Corporation duly organized and existing under the laws of the State of Minnesota, and having its principal office in the City of Owatonna, State of Minnesota, does hereby constitute and appoint:

Rebecca Ann Kelm of the City of Owatonna State of Minnesota its true and lawful attorney for the following purposes:

To sign its name as surety to, and to execute, affix the seal, acknowledge and deliver any and all surety bonds and penalties not exceeding:

One Hundred Thousand Dollars (\$100,000) Each

The execution of such bonds or undertakings in pursuance of these presents shall be binding upon the Company as if they had been executed and acknowledged by the regularly elected officers of the Company.

This Power of Attorney granted by Federated Mutual Insurance Company shall terminate when the designee ceases to be:

- 1) Employed by Federated Mutual Insurance Company or
- 2) Employed by Federated Mutual Insurance Company in a job for which such Power of Attorney is required.

IN WITNESS WHEREOF, the said FEDERATED MUTUAL INSURANCE COMPANY has caused this instrument to be signed and its corporate seal to be affixed by its First Vice President and Secretary this the 18th day of July 19 89.

FEDERATED MUTUAL INSURANCE COMPANY

BY D. R. Huff

First Vice President

and BY F. H. Heiseke

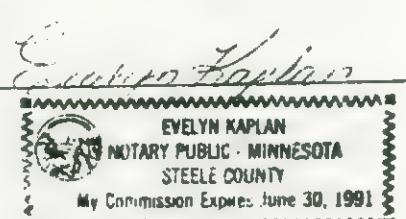
Secretary

(Seal)

STATE OF MINNESOTA
COUNTY OF STEELE

On this 18th day of July 19 89 personally appeared before me, the undersigned notary public, DONALD RAY HUFF AND F. H. HEISEKE to me personally known, who, each being duly sworn by me, did say that they are respectively the First Vice President and Secretary of the FEDERATED MUTUAL INSURANCE COMPANY and that the seal affixed to this instrument is the corporate seal of said Corporation and that this instrument was signed and sealed on behalf of said Corporation by authority of its Board of Directors and said DONALD RAY HUFF AND F. H. HEISEKE acknowledge said instrument to be the free act and deed of said Corporation.

(SEAL)



BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9.5)
(Please type or print)

1. Governmental Unit: City of Fort Wayne
 2. County: Allen County
 3. Bidder (Firm): Deeds Equipment Company, Inc.
 Address: P. O. Box 26036, 8015 East 45th Street
 City/State: Lawrence, Indiana 46226
 4. Telephone Number: 800-841-4028: 317-545-3331: 219-784-2500
 5. Agent of Bidder (If applicable): John K. Brennan, President

Pursuant to notices given, the undersigned offers bid(s) to City of Fort Wayne (Governmental Unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or alterations in the items specified will render such bid void as to that class or item. Bidder promises that he has not offered nor received a less price than the price stated in his bid for the materials included in said bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A certified check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract, the bond or certified check or both as the case may be.

John K. Brennan
Signature of Bidder or Agent

John K. Brennan, President

BID OFFER OR PROPOSAL

Attach separate sheet listing each item bid based on specifications published by governing body.
Following is an example of the bid format:

Class or Item	Quantity	Unit	Description	Unit Price	Amount
see attached					

NON-COLLUSION AFFIDAVIT

STATE OF INDIANA)
) SS:
Marion COUNTY)

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone of such letting, nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

Deeds Equipment Company, Inc.
Bidder (Firm)

John K. Brennan
Signature of Bidder or Agent
John K. Brennan, President

Subscribed and sworn to before me this 31st day of August, 1989.
My Commission Expires: 10/27/90
County of Residence: Marion

Antoinette M. Denny
Notary Public
Antoinette M. Denny

Notary Public Printed Name

ACCEPTANCE

There now being sufficient unbonded appropriated funds available, the contracting authority of City of Fort Wayne (Governmental Unit) hereby accepts the terms of the attached bid for Deeds Equipment Company, Inc. and promises to pay the undersigned bidder upon delivery the price quoted for the materials stipulated in said bid.

Contracting Authority Members:

Date:

Read the first time in full and on motion by Henry,
seconded by Bradbury, and duly adopted, read the second time by
title and referred to the Committee on City Utilities (and the
City Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Conference Room 128, City-County Building,
Fort Wayne, Indiana, on 19, the 10 day
of October, 1989, at 10:00 o'clock A.M., E.S.T.

DATED: 10-10-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry,
seconded by Edmunds, and duly adopted, placed on its
passage. PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>			
<u>BRADBURY</u>	<u>✓</u>			
<u>BURNS</u>	<u>✓</u>			
<u>EDMONDS</u>	<u>✓</u>			
<u>GiaQUINTA</u>	<u>✓</u>			
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>	<u>✓</u>			
<u>REDD</u>	<u>✓</u>			
<u>SCHMIDT</u>	<u>✓</u>			
<u>TALARICO</u>	<u>✓</u>			

DATED: 10-24-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 168-89
on the 24th day of October, 1989.

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

SEAL
Starker S. Reed
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 25th day of October, 1989,
at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 30th day of October,
1989, at the hour of 3:00 o'clock P.M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE: Special

DEPARTMENT REQUESTING ORDINANCE: Purchasing

SYNOPSIS OF ORDINANCE: An ordinance approving the award of Reference No. 885 for hydraulic equipment for Water Maintenance & Service. The cost reflects the most responsive vendor.

889-10-18

EFFECT OF PASSAGE: This will equip five (5) backhoes in Water Maintenance with hydraulic equipment, which will allow more efficient operation by replacing costly pneumatic equipment. Existing pneumatic equipment requires costly air compressors (\$10000.00 ea new) and annual maintenance expense (\$1000.00/year average ea). In addition, pneumatic equipment is noisy and inefficient.

EFFECT OF NON-PASSAGE: Continued operations of pneumatic equipment will require high maintenance expense and short life cycle replacement of air compressors.

MONIES INVOLVED: Deeds Equipment \$65,775.00

PRICE AGREEMENT:

PURCHASE ORDER: Yes

SOURCE OF FUNDING: Water Maint. 513-523-W101-4444

PRIOR APPROVAL:
(IF APPLICABLE)

DATE:

BILL NO. S-89-10-18

REPORT OF THE COMMITTEE ON CITY UTILITIES

THOMAS C. HENRY, CHAIRMAN
MARK E. GIAQUINTA, VICE CHAIRMAN
LONG, BURNS, TALARICO

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS

REFERRED AN (ORDINANCE) XXXXXX (RESOLUTION) approving the
awarding of Reference #885 by the City of Fort Wayne, Indiana,
by and through its Department of Purchasing and DEEDS EQUIPMENT
COMPANY, INC. for the Water Maintenance & Service Department

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (RESOLUTION)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Thomas C. Henry
Mark E. Giaquinta
Long, Burns, Talarico

DATED: 10-24-89.

Sandra E. Kennedy
City Clerk